

APPROVED

# **TOWN OF WESTFORD**

## **BOARD OF SELECTMEN**

### **MINUTES**

**DATE:** October 29, 2002

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Dini Healy-Coffin, Chris Romeo, Robert McCusker,  
Robert Jefferies, Allan Loiselle

#### **Open Forum**

There was no input from the audience or the Board.

#### **Appointment of Additional Election Officers**

Request made by the Town Clerk for the appointment of two additional election workers for a 1-year term to expire June 30, 2002. It was move by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint James Gozzo and Thelma Dumont. McCusker asked that the Town Clerk provide the party affiliation for all future election officer applicants.

#### **Selectmen to Continue Taking Positions on Articles (Articles 1, 2, 3, 6, 7, 14, 15, 16, 17, 18, 19)**

Article 1: COMPENSATION PLAN AMENDMENT/TOWN MANAGER

Ledoux reported that he has reactivated the Personnel Advisory Committee with 3 new members. The fifth seat to be filled in the future. Ledoux stated that Article 1 proposes three position changes as follows:

- Parks & Recreation Director – Grade 6 (midpoint \$65,000)
- Water Treatment Plant Manager – Grade 5
- Outreach Worker for the Council on Aging – still being studied

Kathleen Smith, Personnel Advisory Committee, reported that the Committee voted unanimously to recommend approval of Article 1. Smith outlined the

Committee's work in determining bands including a review of salary surveys. McCusker was concerned that the Water Treatment position has migrated from an operator to a manager. Chris Liebke, Human Resource Director, indicated that the manager will be in charge of the treatment of the water and the start-up of the plants. The staff will report to the Water Superintendent. The manager will be involved in the training of the staff. McCusker felt that this created a managerial position without operators. McCusker asked for additional information regarding this position.

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 OPPOSED (Jefferies), to split the support or non-support of the 3 positions being created and have 3 separate votes.

It was moved by Loiselle, seconded by Jefferies, and VOTED 3 IN FAVOR WITH 2 OPPOSED (Romeo, McCusker), to concur with the recommendation of the Personnel Advisory Committee in setting the salary at Band 6 for the Parks and Recreation Director. Romeo stated that he supported the concept of a professionalized recreation department but that the Town has not supported it at this juncture. Jefferies pointed out that the Personnel Advisory Committee did a diverse study and made a recommendation based upon new information. Smith suggested that the position of Recreation Program Coordinator be held vacant for a year as a consequence.

McCusker asked to defer the vote on the Water Treatment Manager until more information is presented. Ledoux reminded the Board that the Water Commissioners made a presentation in the past. McCusker recalled that the presentation was a comparison of Westford and Lowell. McCusker questioned the numbers provided regarding the comparison because of the Lowell plant being much larger. McCusker was also concerned with creating a managerial position and making the department top heavy. Liebke stated that the position has not been filled until the proper procedures have been followed relative to the band and salary. Liebke outlined the license requirements from the State DEP for a Water Treatment Manager. McCusker asked if the Water Department had looked into privatization. Liebke to check with the Water Superintendent.

The Board deferred the Water Treatment Manager and Outreach Worker positions to November 12, 2002.

Article 2: FISCAL YEAR 2003 SUPPLEMENTAL APPROPRIATIONS/TOWN MANAGER  
Article 3: FISCAL YEAR 2003 TRANSFERS/VARIOUS DEPARTMENTS/TOWN MANAGER  
Deferred to November 12, 2002. Still waiting for information.

Article 6: STABILIZATION FUND FY 2003/FINANCE COMMITTEE  
Article 7: REDUCTION OF AMOUNT TO BE RAISED BY TAXES IN FY 2003/  
FINANCE COMMITTEE

Waiting for recommendation from Finance Committee. Deferred to November 12, 2002.

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Article 14: SENIOR RESIDENTS PROPERTY TAX RELIEF PROGRAM/SENIOR TAX  
RELIEF COMMITTEE

Ledoux reported that the Committee would be meeting with the Assessors to discuss ramifications of Article 14. Deferred to November 12, 2002.

Article 15: STREET ACCEPTANCES/BOARD OF SELECTMEN

Ledoux reported that the Planning Board has not completed the public hearing process. Deferred to November 12, 2002 at which time the Board will also layout the streets including Camp Road and Oak Road (betterments).

Article 16: GENERAL BYLAW AMENDMENT/BYLAW REVIEW COMMITTEE

John Garside, Director of Environmental Services, was present to answer McCusker's concern regarding the storage of methanol as mentioned at a prior meeting by residents in the area of a waste water treatment plant. Garside stated that the bylaw amendment makes no changes to the storage of methanol. The changes involved the correction of typographical errors and clarification to make the bylaw a better working document for everyone. Garside stated that the Board of Health voted to recommend approval of Article 16. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to recommend approval of Article 16.

Article 17: AMENDMENT TO WETLAND BYLAW/NASHOBA VALLEY TECHNICAL SCHOOL DISTRICT

Healy-Coffin reported that the Board today received a packet of information from the Nashoba Valley Technical School District (NVTSD) regarding Article 17. Jefferies pointed out that the information indicates that the existing septic system may be adequate. Jefferies questioned why NVTSD wanted to change the bylaw and spend the money if the septic system is adequate. John Garside, Director of Environmental Services, stated that the 30 year old system has a capacity for 850 people. Garside stated that an upgrade of the system would consist of a treatment plant or sewer hook-up with the Town of Chelmsford. Garside stated that the Board of Health voted 5-0 to support the bylaw amendment in part because they did not want another treatment plant near the neighbors. The Board of Health also felt that the existing use by their definition is not an expansion of use. McCusker asked Garside who has jurisdiction over the treatment plants. Garside stated that DEP has jurisdiction with some local authority with the Board of Health. It was moved by Loiselle, seconded by Romeo for discussion, that the Board of Selectmen recommend approval of Article 17. Loiselle stated that the Board of Health is in favor of the amendment while the Conservation Commission is opposed to the amendment. Loiselle also did not want another treatment plant in the neighborhood. McCusker was in support of Article 17 because it would move a potential pollution source out of the area and would help the neighbors' wells. McCusker recommended that the Town prepare a long-term plan regarding treatment plants and revisit the bylaw to come up with long-term goals regarding sewerage and restricting growth in certain areas. Jefferies was not in support of Article

17 because he did not like how the amendment was written. Jefferies stated that he would rather put the sewer line in if the current system fails. Jefferies was also concerned with the State reimbursing the funds, and that Nashoba will not work cooperatively with the Conservation Commission. Jefferies suggested dealing with this issue at Annual Town Meeting. Healy-Coffin also did not support Article 17 as she felt that the amendment to the bylaw would be detrimental to the protection of wetlands and that there could be a possible challenge by a developer regarding land that would be unbuildable. Healy-Coffin suggested that the amendment be placed on the Annual Town

Meeting warrant after Nashoba has worked with the Conservation Commission. Healy-Coffin pointed out that the current system is working and that enrollment is declining. VOTE TO RECOMMEND SUPPORT OF ARTICLE 17: 3 IN FAVOR (McCusker, Romeo, Loiselle) and 2 OPPOSED (Healy-Coffin, Jefferies).

Article 18: ZONING BYLAW AMENDMENT/PLANNING BOARD

Article 19: ZONING BYLAW AMENDMENT/BY PETITION

Deferred to November 12, 2002. Planning Board has not completed public hearing process.

Article 9: COMMUNITY PRESERVATION FUNDS APPROPRIATION/COMMUNITY PRESERVATION COMMITTEE

Bob Shaffer, Community Preservation Committee, reported to the Board that the Committee had revisited the issue of the tennis courts at Stony Brook and decided to stay with the recommended appropriation. The Committee also voted to put \$1,026,373.96 into the Open Space Reserve Account rather than in the General Reserve Account in order to make a strong statement regarding the preservation of open space. McCusker asked if the tennis courts could be paid out of the Recreation Department revolving fund or could the CPA loan money to a revolving fund. Shaffer did not know if the CPA could loan money and pointed out that any revenue generated by a project paid by CPA funds has to be put back into the CPA fund. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to reconsider the Board's vote of October 22, 2002. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to support Article 9 as amended by the CPC for the new number in the Open Space Account of \$1,026,373.96 and with all other numbers remaining the same. Jefferies asked that the question regarding whether the tennis courts can be paid out of the Recreation revolving fund be answered in time for Town Meeting.

### **Old Business/New Business**

**Tax Reclamation, Providence Road** – Thomas Boisvert, North Hampton, New Hampshire, was present seeking to reclaim a parcel of land on Providence Road as previously requested on October 22, 2002. Ledoux referenced a report from the Tax Collector which stated that the total amount due is \$42,728.40 with an estimated \$3,500.00 in fees. Ledoux read the legal opinion from Attorney James Coppola, Jr. Jefferies asked if the Design Build Realty Trust was still in existence. Boisvert stated that he is one of the Trustees of Design Build

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Realty Trust and that his former partner, Stephen Foley, would be filing his resignation. Romeo stated that the resignation would have to be recorded and provided to the Tax Collector. It was moved by Romeo, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 OPPOSED (McCusker), to restore ownership to Design Build Realty Trust contingent upon Stephen Foley resigning as a Trustee, recording of the resignation, exhibiting the recorded resignation to the Tax Collector, and payment in full of the taxes as determined by the Tax Collector including interest and fees. McCusker stated that he was opposed to this because the taxes have been in arrears since 1987 and that Boisvert came to the Board at the eleventh hour to redeem the property. McCusker also stated that he has a problem with people not paying their taxes.

### **Discussion of Menorah on the Town Common**

At the meeting of October 22, 2002, the Board deferred this matter so that other temple and church officials could be invited to discuss the placement of a menorah on the town common. Rabbi Mayshe Schwartz was present seeking permission to place a lighted menorah on the town common in celebration of Chanukah. Schwartz stated that this would be the 4<sup>th</sup> year of the public menorah lighting. Rabbi Shoshana Perry, Congregation Shalom of Chelmsford, stated that she spoke to members of the Westford Jewish community and colleagues of the Clergy Association regarding the menorah on the common. Rabbi Perry was concerned with leaving the menorah or any religious symbol in place for a period of time. Rabbi Perry felt that it gives the impression that the Town is endorsing a specific religion. Rabbi Perry suggested removing the menorah after the lighting ceremony or placing it on private property as it had been two years ago. McCusker asked if it would be a problem to place the menorah on the Parish property again. Rabbi Schwartz wanted the menorah in a public place showing freedom for religion and for the public. Rabbi Schwartz stated that everyone was welcome not just Jewish people. David Tarr, 11 Jefferson Road, stated that previously he had been bothered by the menorah on the common and the separation of church and state. After Tarr spoke to Town Counsel and the ACLU, he was told that the Supreme Court ruled that the menorah could be used as a holiday symbol. Tarr felt that by putting the menorah on the common, the Town was preserving free speech. Tarr urged everyone to appreciate and celebrate everyone's differences and not be threatened by a person's religion. Bernard Waxman felt that the message of lighting the menorah was one of family values. Rev. Cindy Worthington-Barry, 27 Nabnasset Street, Pastor of the First Parish Church, felt that if the menorah was not allowed on the common, then the Christmas trees should also not be allowed. Worthington-Barry questioned who had the authority to grant permission to use the common. Healy-Coffin stated that the Board would be discussing that issue at a future meeting. Healy-Coffin stated that presently people who wish to use the common are asked to come forward and let the Board know but that there was never exclusive use of the common. Healy-Coffin suggested starting a calendar of common uses. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to permit Rabbi Schwartz's request to place the menorah on the town common as he has outlined. Romeo

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noted that the Board can make a decision on leaving the menorah display in place provided the Town allows equal access to other secular displays per the Supreme Court.

### **Old Business/New Business**

**Mass Historic Grant – Roudenbush Community Center** – Ledoux referenced his memo dated October 24, 2002 regarding the request by the Roudenbush Community Center to pursue an application for the Massachusetts Historic Commission Grant Round IX relative to the building located at 65 Main Street. Jefferies asked for a presentation regarding the square foot costs, what is involved, etc. Ledoux noted that the grant application is due by December 5<sup>th</sup> and recommended a presentation be made to the Board after Special Town Meeting.

### **Annual Goal Setting**

The annual goal setting meeting was scheduled for Thursday, November 21, 2002. Location to be announced. A joint meeting with the School Committee, Board of Selectmen and Finance Committee has been tentatively scheduled for Thursday, December 12, 2002, 6:00 p.m. at the Westford Academy cafeteria.

### **Executive Session**

A polling of the Board to go into executive session at 10:10 p.m. to discuss AT&T Broadband with the Cable Advisory Committee and to discuss pending litigation (Tresca) with the Highway Superintendent: Healy-Coffin-yes; Romeo-yes; McCusker-yes; Jefferies-yes; Loiselle-yes. The Board to reconvene to regular session for the purpose of adjourning.

### **Open Items**

10/29-1 Ledoux to ask Town Clerk to provide party affiliation for all future election officer applicants.

10/29-2 Board to take positions on Articles 1, 2, 3, 6, 7, 14, 15, 18, and 19 at November 12<sup>th</sup> meeting.

10/29-3 Ledoux to schedule a presentation re: Roudenbush application for Mass Historic Commission Grant after Special Town Meeting.

### **Adjournment**

The Board reconvened to regular session at 11:00 p.m. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to adjourn the meeting.

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Steve Ledoux, Town Manager

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Dini Healy-Coffin, Chairman